IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 11990 of 2007(B)

PETITIONER:

JAYAKUMAR, AGED 53 , S/O.LATE
DR.CHAKIAT NARAYANA MENON,CHAKIAT HOUSE,
PONNURUNNI, CHALIKKAVATOM,ERNAKULAM DISTRICT.

BY ADV. SRI.S.SUDHISH KUMAR
SRI.SIBI KARUN

RESPONDENTS:
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1. **DEPUTY TAHSILDAR (R.R),**
   KANAYANNUR TALUK,ERNAKULAM,
   KOCHI-11.

2. **THE ACCOUNTS OFFICER, (TR-I),**
   OFFICE OF THE PGMT,BSNL,
   ERNAKULAM.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL for R2
BY SR.GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.11990/2007 B

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: **COPY OF THE DEMAND NOTICE DTD. 12/12/2006 ISSUED BY THE 1ST RESPONDENT UNDER SEC.7 OF THE KERALA REVENUE RECOVERY ACT TO THE PETITIONER.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11990 OF 2007-B

JUDGMENT

The petitioner challenges Ext.P1 revenue recovery notice issued by the 1st respondent, to recover the amount shown therein due to the B.S.N.L. This writ petition is filed, challenging Ext.P1, relying on the decision of this Court in **Govindankutty v. The General Manager** (ILR 2002(2) Kerala 173). But, the said decision has been reviewed by this Court in R.P.No.495/2002 and held that the amounts due to the B.S.N.L can be recovered by taking recourse to the provisions of the Kerala Revenue Recovery Act, in view of the notification issued under Section 71 thereof, as per SRO No.669/01. Accordingly, the writ petition is liable to be dismissed. But, the learned counsel for the petitioner prays for instalment facility to pay the amount due to the 2nd respondent.

2. I heard the learned standing counsel for the 2nd respondent also. The petitioner may pay the amounts due under Ext.P1 in five equal monthly instalments. The 1st instalment shall be paid on or before 30.4.2007. The balance four instalments shall be paid on or before the last working day of the succeeding months. Along with the last instalment the petitioner shall

pay the interest, if any, that has accrued in the meantime. The 2nd respondent shall inform the petitioner any additional amount he has to pay, which shall be paid by the petitioner along with the last instalment. The payments pursuant to this judgment shall be received by the 2nd respondent directly. In case there is any default to pay any of the instalments, the respondents can proceed with the revenue recovery proceedings initiated by issuing Ext.P1.

The Writ Petition is disposed of as above.

9th April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/